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TWO CENTS.

Interesting Account of the Gold Region.

[Correspondence of the New Orleans Cressent 1]

Montexty, California, Aug. 26, 1848.

At last, my dear brother, I can tell you of something wonderful in this hitherto uninteresting service. I listened an unbeliver to all the gold-diggers' steries of those who have been dropping in from the Placer, these last three or four months, until the Governor and Sherman returned; and even then, when the Colonel brought home handfuls of the purcmetal, which had been given to him as specimes, and remarked to me, "Yes, it is all true, and the most remarkable part of it is that it is not exaggerated," I could not, or rather did not want to believe that an El Dorado had at last been found; and as Captain Smith, of the Dragoons, had just arrived from Los Angeles, to pay us a visit at my invitation, and to look at this upper country, I asked the Colonel to let me go with him to the mines, that we too might see. We left this son the 21st, and as the plains and mountains are rather dry and uninteresting now, we got over them as soon as convenient, passing, every few miles, carts, wagons and families, toot and horsemen, all bound to the Placer. We found the farm-houses and villages almost deserted; and at the cabins where we stopped for meals, we heard only of the gold! The women would, after a little talk, go to their chests and bring out their bags, to show what fine large pieces the men had got for them. At San Jose, or the Pueblo, as they call it here, we found most of the houses shut up, and their owners gone tooone or two carts in the streets, and these were being got ready for the journey up.

I was agreeably surprised to find San Francisco a pretty little Yankee looking town, though we had to wade through two or three miles of sand hills, against a stiff nor wester, just before reaching it. They have made the best of a bad site, on the side of a pretty steep hill, and hemmed in by high sand hills. They have stuck a board house under the lee of every sand bank or clump of bushes, and

and hearing all this, one begins to think the place must grow.

There were about eight or ten vessels in port when I was there, all empty but two whalers. They had made prompt and profitable sales, but they all grumble because the Governor will not take the gold for duties at more than \$10 the ounce, and there is no money in the market. The acting collector, a young officer who is tull of business, for he is the quarter-master, tells you that he has ferty thousand dollars already paid in gold, and he don't not know where the devil the money is to come from to redeem it! After looking around thus and listening to some of the stories of gold or trade, we could hear of no launch going up that day, and so adjourned to dinner, where we sat down with some twenty well-dreased and happy-looking civilians; and before dinner was over every man had one or more bottles of champagne before him. They were all getting rich; and could afford it; but it took three days of my pay. "Hurrah! hurrah!" cried out half a dozen, as one tall dry-looking genius, straightened about seven feet of his humanity, "a toast, a toast from the Judge!" "Do you know the Judge!" said one to me; "he is a trump, ain't he? Of course, I knew him, and answered, "isn't he?" "Gentlemen," said the Judge, "I'm going to give a sentiment, can't make a speech, never could, but even Dr. Leatherbelly here," and he slapped another seven footer on the shoulder, who swallowed a large mouthful and the nick-name with rather a wry face, "even Dr. Leatherbelly, with all his preaching, must acknow-

shoulder, who swallowed a large mouthul and the nick-name with rather a wry face, "even Dr. Leatherbelly, with all hispreaching, must acknow-ledge the truth of my sentiment—that we are all here to make money!" A general roar acknow-ledged the tail chap a good judge of other men's

Ne rode to the Presidio, or remains of the old for and barracks; but so bleak are the winds, and so exposed to their tury are the old adobe walls, that only two sides of the Presidio square remain standing, and they were in a miserable condition when the company of volunteers took up their quarters there. They are now roofed and ceiled inside. The fort shows the remains of a low walled demi-lune, on what might be rendered an almost inaccessible little promontory. Not a gun is there now, and nothing done yet in the way of fortifying the bay; and I am affinid that now the gold at the Placer will attract all labor from public and other work in its vicinity for some years to come, except they pay in proportion. The volunteers had as much work as suited them, in putting their quarters in order; and those who did not desert, deserve great credit for remaining at their post at all, with such discomfort and bad pay. But they did not intend waiting more than a month longer for the peace.

On the third day the town had lost its novelty, for it was cold and no fire to be had. We began to criticise the cooking—want of ladies—the bleak wind and the saud—the wholesoul eagerness with which every man, woman and child in this place appeared to pursue gold. We were glad when the launch-owner could not find another bale to send up in his boat. So we were off, the tide making, and the wind blowing a gale almost, after we got round the point; and in a few hours our little craft with the cr-devast Mormon leader as owner and master, some half-dozen runaway sallors and a grogshop-keeper or two as fellow-passengers, had entered the narrows at the head of the bay; and evening found us in the mouth of the river—marskes and musketoes on either side—where we waited till day, and then found a broad, pretty and quiet stream, up which we salled some sixty miles, to Sutter's landing, passing a few bound up. This is the only long navigable and important river in his western acquisition of Uncle Sam's. Steamers will in a year be running many lea

copper, and another man stands at the head of the cradle in the water, which he dips up and dashes on the gravel or dirt as its left on the grate—the earth, by this party, was taken from within a foot of the surface—while a third rocks the cradle, and thus keeping a stream of water passing through it was a stream of water passing through the control of the control

babies crying, cow, bells tinkling, and boys kicking up a shindy among the wagons—and there was no place left then for them to go to. The climate high up the hills, though exceedingly warm in summer, is tolerably healthy, and on the river banks and grassy glades now and then to be met with, towns are locating, log-cabins aiready building, and Uncle Sam's land sales anticipated before we have even a right by treaty to territory acknowledged to belong to snother government.

We left the saw-mill, and found by going up it, that the hill above it wes a pretty high one, and following the windings of the road round the hills which were fast rising into mountains, we rode about noon into a ravine between two pretty high hills, which in winter holds quite a torrent. Parties of men were scattered along this canada like ants. It being late and very hot, but few wers working. We passed on to another canada beyond, where the Californians had principally congregated, and it being Sunday, were lounging or gambling, and the Indians, their laborers, ditto—dressed ala Adam—and a miserable, brutish race they are, hardly know the use of fire to prepare their food, many of them living upon grass, seeds, and acords—in the slightest little brush dens which it could be supposed would shelter a piece of mortality, and clothing themselves against the winter's snows and summer's heat, which are here severe, with nothing. The water in this gully was dried up, with the exception of a few pools and holes. I asked one of the Californians to let us satisfy our curiosity by washing a little of his earth, which lay at the edge of a small pond or pool, and which he had brought from the gully a little higher up, where it was found quite rich. He, of course, assented, and led us the way to his cradle. He brought the earth in an Indian basket, holding a little less than a peck, and as he threw the earth on the cradle top, I dashed on the water, and Capt. S. rocked the cradle. We worked away with spirit, attracting several grathered around him to s

the officialities and pronts of gold numbers, I was saided that in many, perhaps hundreds of canadas like this, several miles long, the earth is rich to excess, and will give many years work to from twenty to fifty thousand hands, who can each reckon upon two ounces of pure gold per day while washing. To fasten this conviction upon any any one is this country is not difficult now—it was some months since—but gold has fallen from sixteen dollars the ounce to eight; and several at the mines were selling, from necessity, for six dollars the ounce.

I rode from one end to the other of the main valley, in the dry diggings, and questioned almost every man there, and they all, without a single exception, were then making from two ounces to two hundred dollars per day, when they chose to work. Many had shanties with trinkets, blankets, and calicoes for the Indians, and comforts and necessaties for the whites. I think, at least two thousand whites, including Californians, were on the dry diggings of the American Fork, and one thousand on the river, in different parts, washing. There cannot be less than two thousand on the Yuba, the north fork of the American, and on Feather river; on all of which the washings bring the finest gold, and in grent abundance, at almost every deposit in the bed of the river; and it is a fact, which only the daily ocular proof I had convinced me of, that for many miles of wild and dreary space, watered by nearly all the eastern tributaries of the Sacramento, a traveller can get off his horse in the bed of any mountain stream, where the hills on either side are of gravelly red clay, and there, in an hour's washing, he is sure to get some gold, sometimes a vial, sometimes two, three, or ten dollars worth. But the gold is scattered in all the hills of elay and slatey formation, and the goological features of the country, I am told by those most intimate with them, are nearly the same from Dyes' place, lat. 40 deg. to the Motcumenes,

about lat. 37 deg., and from the commencement of the bills 30 miles from the river, to the big or main range of the Snowy Mountain, about eight miles further east. Gold has been found abundant enough to attract the laziest sceptic in a large part of this district, and without any enthusiasm, which, by the way, has not formed part of my system since I came round Cape Horn to gain glory fighting Mexicans, I think the Californias—for gold is found in both—under the enterprising, gold-loving Yankees, will export from six to ten millions of gold sinusilly, in less than ten years.

It was estimated by the most intelligent, that over two hundred thousand dollars had been taken out when I was there, three months after it, was made public, and by the small vagrant and vagabond population of California. Three-fourths of the men I saw working in the dry diggings were either runaway sailors or soldiers, or men who had left hame suddenly, and might be called a drinking, fighting, but not a working population. I will not repeat any of the hundred stories I heard of men who had found many pounds in a day, and others getting into rich spots and killing their horses, rather than risk being followed back, and bringing out arobas of gold, &c; but on my second trip up the mines, I was riding down the main dry digging, and a teamster, who had stopped his team, and stood looking with whip in hand, at a chap busy picking at a niche or pocket in the rock, called out to me, "Just come here, Captain, and look at this man picking out the gold!" I turned my horse to the spot, and, sure enough, he was picking out of the crevice in the slate across which the water had pitched in winter to a bed some few feet below, the gold and earth in lumps, and had his left hand full, when I saw him. I mean he was picking it out of an open hole in the rock, as fast as you can pick the kernel out of a lot of well cracked shell barks. I have since seen the teamster in town; he is back here after his family, and for supplies, and he tells me that in less th

the way of the tide of gold-hunters rolling over the plains.

I expect to have a strange time of it here. Forts without soldiers—ordnance without men enough to guard them—towns without men—country without government, laws or legislators—and, what's more, no one disposed to stop to make them; and a sort of colonial territory of the United States, without even a communication with the home government for nearly two years, or with the navy for many months. The officers of the army here could have gized the large amount of funds in their hands, levied heavily on the country, and been living comfortably in New York for the last year, and not a soul at Washington be the wiser or worse for it. Indeed, such is the ease with which power can go unchecked and unpunished in this region, that it will be hard for the officers of government to resist temptation; for a salary here is certain poverty and debt, unless one makes up by the big hauls—the merest negro can make more than our present Governor, Colonel Mason, receives in toto.

We have nothing of interest connected with the California emigration to record; the proceedings of the adventurers having been slightly retarded by the inclemency of the weather. Owing to the same cause, a number of vessels, in readiness to depart, were forced to defer their sailing until to-day. The bark Croton, for San Francisco, ready for sea, has the following

named persons on board:—

A. Goodheart, H. Curry, W. E. Holecter, J. H. Green, jr., W. G. Blane, W. Dutch, D. O. Sterman, W. Browers, D. McDaniel, A. W. Eames, R. Cooper, A. C. Eames, B. Miller, J. Hall, A. Van Wyck, T. Hutchings, A. W. Knapp, G. Sailes, J. R. Johnron, Geo. Trembly, O. Mallerby, E. W. Anson, A. D. Fitch, — Hutchinson, Jas. Thomas, A. W. Bingham, J. Jerome, E. Thomas, M. S. Smith, George A. Morrell, W. M. Tucker, J. Schoomaker, H. Schoomaker, J. K. Underhill, J. Knez, A. D. Johnson, J. D. Rumar, C. King, H. Hughes, J. K. Page, N. Rochester, J. Fox, C. Fox, J. Savage, — Knight A. Merrifield, H. W. Chittenden, Jas. Wilcox, T. R. Porter, J. Save, R. Savage, B. Black, J. Russell, W. Hammersley, E. Hubbard.

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The Tarolinta, which left on Saturday, took out Chas. Brooks, Wm. Cox. John H. Cornell, Randall, J. Powrers, W. Oscar Smith, W. P. Poynter, Isaac Ranelyes, James H. Thorp. E. H. Troax, Thompson. A. C. Munson, Milne, J. D. Groat, Vall, Amasa Stavenson, E. Franklin, P. S. Hawleey, J. W. Sterling, D. Sterling, R. H. Sterling, G. W. Wheeler, J. C. Barr, Wm. Barr, A. Schell. Samuel Stavenson, R. Jenkins, T. C. Knorr, W. B. Knorr, G. Quackenbush, J. V. D. H. Neyre, D. Livingston, F. Livingston, C. N. Burroughs, G. W. Bryant, Tarboss, W. S. Ford, R. Hockman, Caleb Lyon, J. Winchester, J. Munsell, J. P. Lawrence, E. C. Smith, S. W. Lowere, N. Miller, J. M. Bunce, Munsell, D. Norrross, J. M. Davoe, A. Hubbell, S. D. Pesron, J. B. Lock, S. C. Monevin, G. E. Chapman, N. Depeyster, S. Nelson, J. Richards, S. J. Tyler, J. Howell, B. Hempsted, P. Hunt, G. T. Morehouse, G. Langdon, G. Seymour, G. Gilbert, Dr. S. P. Finney, S. Milland, J. Wentworth, P. E. Clniant, R. Story, W. B. Cock, J. Hunt, T. Southard, Brown, J. T. Tucker, W. D. Thorp, F. Jerome, J. C. Smith, and nine of the New York Mining Company. In the Steerage, —W. Tharkey, S. P. Stevenson, J. Monshan, A. P. Demitt, W. G. Blackett, S. Gibbs, A. Reming, H. L. Pearson, F. Rowley, C. S. Ward, W. S. O'Brien, P. F. Ryder, D. N. Ryder, T. L. Fazi, T. A. Haggen, W. G. Hogeboom, M. Cornd, J. Williams, W. Coddington, J. J. Coddington, J. Newman, J. Laundergan, J. P. Austin, R. Keeler, P. L. Howe, W. Proseer, J. J. Short, M. W. Short, G. W. Dodd, — Hyatt, H. F. Cox, G. W. Cox, D. B. Cook, E. Hyatt, M. Baldwin, and three servants.

The bark Orb, of Salem, has been bought by a company in Boston, for a California voyage.

[From the Corpus Christi Star, Dec. 16.]

John H. Matthews, of Travis county, advertises that "all persons who are desirous of emigrating to Upper California can have a chance of uniting with a company in Boston, for a California voyage.

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John H. Matthews, of Travis county, advertises that all persons who are desirous of The Tarolinta, which left on Saturday, took out Chas. Brooks, Wm. Cox, John H. Cornell, Randall, J. Pow-

route that is practicable to San Diego en the Pacific, and from thence north along the shore of the Pacific to San Francisco Bay, the place of destination."

[From the Washington Union, Jan. 14.] It is inclinuated in some of the papers first, that the government has received late and important intelligence as regards the gold region of California, which it has kept back from the public; second, that it had this intelligence as serly as last summer, and suppressed it. Both suggestions are entirely unfounded in fact. The government did not receive this intelligence, as regards the gold region of California, last summer, nor until within a few days before the meeting of Congress, when it was all fully communicated and made public, as has also been published everything of the least importance received by the government; since that date, including the assays made at the Mint. That this region is of most extraordinary richness, especially in gold, cannot be doubted, and is fully set forth in the public decuments to Congress, as well as those published since that date, and presents inducements of the highest character for emigration to that region. The only officers or agents sent there by the government, are the military and naval officers as required by law, and the postmasters and post office agents sent by the Postmaster General in obedience to the requirements of the law. The Treasury Department has sent neither officers nor agents to California.

The confidential clerk of the Secretary of the Treasury is ettil here, and has no idea of going to California. Mr J. Ress Brown, who was once a clerk of the Treasury Department has sent of the law. The Treasury Department has sent of the gold of California, and Lieutenant Brown was despatched with instructions to overtake Captain Fraser if he could, so as to prevent the Lawrence stopping at California, is and Lieutenant Brown was despatched with instructions to overtake Captain Fraser if he could, so as to prevent the Lawrence stopping at California, is a supplied to th

tised for San Francisco. a quantity of gambling implements have been provided for the entertainment of passengers during the voyage by some upprincipled fellows who hope te reap arioh harvest from those who accompany them in search of wealth. Faro boards, roulette tables, sweat clothe, and other apparatus of a like nature, have been provided in great abundance by wretches such as we have mentioned, and we fear that in some instances, the officers of the ships on board which they are sent, are cognizant of their character. If this be not so, we advise them all to institute a rigid search for such sricites, and, at all costs give full and fair notice to all who may embark with them, that gaming of no description will be tolerated for a single moment during the trip. There are ample means of pastime and agreeable recreation always at hand, without rescriting to cards or dice an indulgence in which is invariably attended with disastrous results.

[From the St. Louis Republican, Jan 6]

We have been shown a pound of gold scales, or small particles. It is in the possession of Needham & Ferguson, on Pine street, and was obtained in the California mines by a Mormon. A portion of the same has been sent to the Mint at New Orleans, to be assayed.

Sr. Louis, Jan. 4, 1849.

Intelligence from the Plains-Severe Weather, &c.
The present winter has been more intensely cold throughout the greater portion of the West than, perhaps, was ever before experienced for the same length of time. The people of the extreme front tier have suffered much—the openness of the country giving to the unusual intensity of the cold, a degree of potency that would not be felt in a district of country protected by hills. The great plains beyond the western boundary of Missouri are covered with snow for thousands of miles, presenting an inconceivably dreary appearance, and rendering

an inconceivably dreary appearance, and rendering an inconceivably dreary appearance, and rendering travelling over them hazardous in the extreme. At Fort Leavenworth, on the 27th ult., and thence westward and north, as far as heard from, the snow was two feet deep on a level.

I mentioned, in a former letter, that Brown, Waldo, and others, who had contracted to transport munitions for government, between New Mexico and Leavenworth, had lost many teams from cold. It now seems that their loss in cattle is not less than sixtem hundred head? A small party of teamsters arrived at the Fort on the 27th ult. They stated that the Santa Fe trace, as far as the Arkansas, was lined with dead cattle, and that one of their companions, a teamster, had also perished.

This party met Lieut. Beall, and his raw eacort, beyond the Arkansas, getting along pretty well.

Dr. Fullwood arrived at Leavenworth on the 28th ult., from Fort Childs on the Platte. The weather was so severe, that he was compelled to send back his escort at Fort Kearny, and come on with a teamster only. At Fort Childs, everything was going on smoothly, and the officers and men enjoying excellent sport at buffalo hunting.

At Fort Leavenworth, wolf hunting seems to be the order of the day, the cold weather having driven these animals from the plains to the protected sountry, and hunger rendered them regardless of danger.

We have nothing local here of importance. No cholera as yet, saving such cases as arrive from New Orleans.

ALBANY, Jan. 13, 1849. Communication from the Commissioners on Prac-tice and Pleadings — Proposed Re-examination into the Causes of the Failure of the Canal Bank,

ceived by the Senate to-day from the Commissioners on Practice and Pleadings, in reply to a reselution of inquiry airected to them by the Senate. This communication possesses peculiar interest to the bar of this State, and I have, therefore, copied the whole of it. I mentioned in my correspondence, before the meeting of the Legislature, that the views of the two boards of legal Commissioners were conflicting in regard to the creation and application of certain rules of practice in the courts. The Commissioners, Lunderstand, differ courts. The Commissioners, I understand, differ in their views upon many very essential points; and, as I have already mentioned, the report to be submitted by the Commissioners of the Code will obstruct and embarrass the operation of the code of procedure. It will even have the effect, in case it is adopted, to annul many of the important provisions of the code of procedure. A lew days since, Mr. Fuller, being in his place in the Senate, remarked that the views of the Commissioners of the Code did not harmonize with those of the other board. I am apprehensive that the reformatory experiment will fail, at present, though it is manifest that a greater degree of simplicity should be observed in the administration of the law than is now observed in our tribunals.

those of the other board. I am apprehensive that the reformatory experiment will fail, at present, though it is manifest that a greater degree of simplicity should be observed in the administration of the law than is now observed in our tribunals.

A resolution was adopted by the Senate to-day, in the following form:—

Resolved. That a select committee be appointed, to examine and inquire into the affairs of the Canal Bank of Albany, and report at an early day, the causes of the failure of said bank—the dedicincy of the avests to meet its liability—specifying the amount due the State from said bank, and whether it is secured, and if so, how. Also, that said committee report whether, in their opinion, the existing associated Safety Fund Banks, should be required to contribute to a fund sufficient to jay off the creditors of said hank, (after the assets are exhausted,) and also to rave hermiese, innocent stockholders, in said existing Safety Fund Banks, from loss on account of persons liability, which is to take effect in 1850 and to protect crediters in case of tuture failures; and that said committees be empowered to send for persons and papers.

This resolution was effered by Mr. Williams, a whige Senator. The Senate, I apprehend, do not helieve that the examination into the condition of the Canal Bank, recently made by the officers appointed by the Comptroller, was as thorough and complete as the extraordinacy occasion demanded. Hence they rejected a motion made by a Senator, to re-appoint the receivers already appointed by the Comptroller, was as thorough and complete as the extraordinacy occasion demanded. Hence they rejected a motion made by a Senator, to re-appoint the receivers already appointed by the Comptroller, was as thorough and complete as the extraordinacy occasion demanded. Hence they rejected a motion made by a Senator, to re-appoint the receiver a licensity of the senator who offered the senate with the failure of the bank may be explained. I have no the senate with the failure of the bank may

Important Communication to the Senate, from the Communication to the Senate, from the Communication to the Senate, from the Commissioners on Practice and Pleadings.

The Commissioners on practice and pleadings, in compliance with a resolution of the Senate, passed on the 11th of January instant, requesting the Commissioners to inform the Senate how soon, and to what extent, they will be able to make a report of their proceedings to the Legislature, and whether more time will be required to complete their report, respectfully report, that ever since they presented to the Legislature, at the last ression, their report of a code of procedure in civil actions, they have been sedulously engaged in digesting and preparing provisions designed to complete the plan which they had laid out, as neces, ray to a perfect and thorough simplification of the proceedings and pleadings in the courts of justice of this State. The code of procedure already adopted by the Legislature, was designed by the Commissioners to accomplish the reforms in legal practice contemplated by the constitution, only so far as the time then af forced to the Commissioners enabled them to present the leading principles of their plan—leaving to another experience and any improvements in its details which time and experience might suggest.

In reporting the code now in operation, the Commissioner code in the code in the commissioner code in the code

sienner took ocasion to observe that they saw no other limit imposed wom name by the constitution, and by the strute conference when by the constitution, and by the strute conference was a positivated, and by the strute conference was a constitution, and by the same of disputed questions of fact and of law the same range of special pleadings haven to the same of t

. Supreme Court.

David P. Halitede s. the Mayor, \$\text{qc.}\$ of the City of New York — Lowanos, Justice—This action is brought upon two warrants or drafts given by the defendants, and made payable to T. A. Cowdrey or order; one in The proof shows that the drafts, after having been duly andorsed were received by the plaintiff, and there is no evidence that he had any other notice of their consideration than that which is given by the instruments themselves. No objection is made, either to the form in which they are signed; buttir is contended that the defendants had no authority to give them. The consideration of the draft for the larger amount consisted of taxable seets, which accrued in separate suits, brought in the same of the Feople of the States of New York against eight of the Supervisors of the city and county of New York as they were required to do by the fourth section of the Associate Judges of the Court of General Sessions of the city and county of New York as they were required to do by the fourth section of the "Asto the vir and county of New York as they were required to do by the fourth section of the Cant of the city and county of New York as they were required to the step of the Court of General Sessions of the city and county of New York to raise money by tax." passed May 2tth, 1841 (Law, 1841, p. 267). The consideration of the other draft consisted of counsel fees, which had accrued in the defence of the same suits. The suits were commenced in the month of September 1841, and some years afterwards judgments were recovered against the defendants in each of them. On the 8th May, 1847, and a few days before the drafts bear date, a resolution that the drafts were drawn, and they appear to have been given for all the costs and free parts and the suits of the several judgments, with the the suits of the several parties of the several parties of the purpose of the drafts for such a party for the judgments, with the drafts in question and the party of the suits. There may be careful to the drafts for such a party fo

conduct is entirely personal. But it was contended on the argument, that even if it should be held that the defendants had no right to give their drafts for the consideration for which these were given, yet, that the plaintiff is entitled to recover as a bean fide holder, without notice. It is not denied on the part of the defendants, that the drafts in question are, in their legal effect, negotiable bills of exchange, and that the plaintiff is a bona fide holder, with no other notice of their consideration than that which appears upon the face of the drafts; but it is contended that if they were given without corporate authority on the part of the defendants, they are vold, even in the hands of a hone fide holder, without notice. It will be remembered that the defendants have no express power given to them by their charter to issue negotiable paper. It has, however, long been a settled doctrine in this State, that a corporation without any express power in the charter for that purpose, may make a negotiable promissory note or bill of exchange, when note prohibited by law from doing so; provided such not or bill is given for a debt contracted in the course of its proper legitimate business. (Mott us. Hicks, I Cowen, 115; Barker us. Merchants' Fire Insurance Company, 8 Wend. 04; Attorney General us. Life and Fire insurance Company, 9 Paige, 447; Moss us. Oakley, 2 Hill, 616; Kelly us. Mayer, to et Brocklyn, 4 lb. 263.) But as far as we are aware, the question has never been decided whether a note or bill issued by such a corporation, not in the course of its proper legitimate business. Is valid in the hands of a bona fide holder of negetiable paper, ration, not in the course of its proper legitimate business. Is valid in the hands of a bona fide holder of negetiable paper, without notice, was of universal application; and that, if the defendants had a right to issue negotiable paper, and the fire insurance, in which the question arose, the Chancellor declined to express any opinion, and placed on the argument of

the defendants.

Before Justices McCoun, Huribut, and Edwards.

Jan. 15.—Stacey Pitcher et al. vs. Willington A. Car ter et al.—Decree of Vice Chancellor reversed, with costs. The usual decree for the sale of the mortgaged premises to be entered.

Edward Clayton et al. vs. Thos. Wardell et al.—Decree of Surrogate reversed, with costs.

Henry Worrait et al. vs. David C. Judson.—Judgment for the plaintiffs.

David P. Haffield vs. The Mayor, \$c. of New York.

Judgment for defendants.

George G. Frith et al. vs. Thomas Crowell et al.—Order for the appointment of a receiver reversed.

Mary M. Brown vs. Trust Fire Insurance Company.—Decree of Assistant Vice Chancellor affirmed, with costs.

The People vs. Peter Duffy —Judgment of the New York Common Pleas affirmed. John Miller and Wm Miller vs. The People.—Judgment of the New York General Sessions reversed, and

John Miller and Wm Miller vs. The People.—Judg ment of the New York General Bessions reversed, and venire de novo awarded.

Bradford B. Williams vs. Mathew Maury et al.—
Decree of Assistant Vice Chancellor medified. Plaintifi's compensation as master of the ship in question, ilmited to \$125 per month, and the amount kept by Lincoin & Green, as ship's husbands, to be assumed on the reference to be accurate in the first instance; but the plaintiff to be at liberty to attack it by direct preof, showing fraud or mistake in respect to any items therein.

Sarah B. Pellock et al. vs. The National Bank et al. Decree of Assistant Vice Chancellor affirmed, under a modification, that the plaintiff' bill be dismissed without prejudice to their cause of action, and without costs of appeal to either party as against the other.

Zene Gooke vs. Sitas C. Smith et al.—Decree of Assistant Vice Chancellor affirmed, with costs, to be paid out of the fund.

John H. Williams vs. The Same.—The like decree.

Chas H. Mount vs. The Same.—The Major fc. of the City of New York.—Certiorari quashed.

Before Justices Jones, Huribut, and Edmonds.

No 6, a reserved cause, is under argument. No. 53 is the highest yet reached on the calendar. The decisions rendered this mersing, and the papers belonging to them, will be found with the Clerk in chambers.

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Present Justice Edmends.

Westcott vs. **Picatt—This is an appeal from a decision of a special motion, and if security had been required, the appeal served has been irregular, for the same defects in the undertaking which have been spoken of in the case of Beach vs. Litchfield; but as ne security is required on such an appeal, these irregularities are of no swall on this motion. In other respects, the appeal was regular, except as to the time when it was taken The notice of the appeal was served on the Attorney on the 24th of November, and on the Clerk on the 25th, and there is some dispute whether the order appealed from, was served on the 18th or 14th of November. This dispute is of no moment, for even if the order had been zerved on the 18th or 14th of November. This dispute is of no moment, for even if the order had been zerved on the 18th or 18th os be made, is to be computed by excluding the first day and including the last, section 36s. An appeal in case of a special motion must be taken within ten days after written notion shall have been given, section 250; and an appeal is made by service on the adverse party and the Clerk, &c., section 27s. The first day which is to be excluded is the day on which the order was served which is to be appealed from. In this case, that was either the 18th or 18th of November, and whichever it was, the zervice of the notice of the appeal on the Clerk, on the 28th, was not within ten days after the service of the order appealed from. This is an irregularity which it is not in our power to waive. It is not merely a violation of our rules, which we may dispense with when the ends of justice require the but it is a departure from a statute requirement which we are expressly forbidden to waive; for section 356, which allow us to enlarge the time within which any proceeding must be had, expresly excepts the time within which an appeal must be taken. This motion mus

Vnited States District Court.

Before Judge Betts.

Indiciments Found — John J. Hutchinson, assault with a dangerous weapon; George Honey, endeavour to make a revolt.

Pieuded Guilty — James Bellian, indicted for embessing letters and abstracting their contents, pleaded guilty and was remanded for sentence.

Judge Ulchoeffer formally opened this Court yes-terday, and intimated that in consequence of the sud-den illness of Judge Daly, the Court would stand adjourned over to this forenoon at 11 o'cleck. The Court was hereupon adjourned.

The Court was hereupon adjourned.

Legislative Classification of Pennsylvania.

—In the following table the members of the Legislature of Pennsylvania for 1849 are classified according to their respective professions, trades, and occupations.—In the Senate-Lawyers 7, Farmers 12, Merchants 8, Frinters 3, Engineer 1, Farmers 12, Merchants 8, Frinters 3, Engineer 1, Hatter 1, Cabinet Maker 1, Carpenter 1, Gentleman 1, Manufacturer 1, Drover 1, Iron Founder 1.—Total 83 In the House of Reprentatives—Lawers 16, Farmers 38, Merchants 11, Printers 6, Dectors 4, Surveyors and Soriveners 4, Capinet Makers 3, Iron Masters 2, Carpenters 2, Watchmaker 1, Tanner 1, Tinemith 1, Confectioner 1, Grain Measurer 1, Tanner 1, Tinemith 1, Confectioner 1, Grain Measurer 1, Gentleman 1—100 Can it be possible? Only two gentlemen in the Legislature of Pennsylvania.

Singular Explosion of a Cistern.—A singular affair happened last evening at the time of the fire. One of the fire companies run their here to the mouth of the cistern, corper of Fourth and Sycamore. On opening it, one of the firemen lowered his lamp some two or three feet below the mouth, to see the depth of the mater; the cistern, which had been for a long time ciceed, was filled with a gas that exploded from the flame, causing a report, and explosed from the holder of the lamp and another fireman.—Cincinnais Gazzite, Jan. 112.